REMARKS:

In the outstanding Office Action, the Examiner withdrew claim 2 and rejected claims 1, 3, 4 and 24. No new matter is presented. Claims 2 and 5-23 remain withdrawn. Thus, claims 1, 3, 4 and 24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. §101:

Claim 4 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 4 is amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1, 3 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,883,678 (Yamaguchi).

The Examiner appears to imply that Yamaguchi, at col. 20, lines 25-40 teaches implementation of the processing for an arbitrarily designated partial image data to the moving image data in entirety, as taught by the claimed invention. However, this portion of Yamaguchi merely discusses skipping a block that is not coded and setting the first pixel on the block line to which the processing is skipped for the processing (see also, Fig. 22 including corresponding text).

Moreover, the motion compensation prediction circuit (110) in Yamaguchi operates based on the local decoded signal supplied from the alpha-map encoder (200), and checks which of a video signal of a portion corresponding to a block in the object or a video signal of a portion corresponding to a block in the background is currently input (see, col. 7, lines 28-35 and col. 8, lines 25-36).

In contrast to Yamaguchi, the claimed invention of claim 1 includes inputting "moving image data containing image frames" and "control information externally-produced and designating a processing for arbitrarily designated partial image data among said image frames", where the processing is implemented to "each of said image frames of the moving image data in entirety responsive to said designating." The invention of claim 1 also includes, "integrating the compressed moving image data from the moving image data encoding unit with the compressed control information from the control information encoding unit."

8

Independent claims 3 and 24 also recite, "moving image data containing image frames", "arbitrarily" designation of data "among said image frames of the moving image data" and controlling "each of said image frames of the moving data in entirely responsive to the designation."

Yamaguchi does not disclose or suggest at least the feature directed to controlling and processing of "each of said image frames of the moving data" in response to "arbitrarily" designation of data "among said image frames", as recited in claims 1, 3 and 24. Accordingly, Yamaguchi does not disclose every element of the Applicants' claims 1, 3 and 24. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131).

Therefore, since Yamaguchi does not disclose the features recited in independent claims 1, 3 and 24, as stated above, it is respectfully submitted that claims 1, 3 and 24 patentably distinguishes over Yamaguchi, and withdrawal of the § 102(e) rejection is earnestly and respectfully solicited.

REJECTION UNDER 35 U.S.C. § 103(a):

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of U.S. Patent No. 6,195,391 (Hancock).

As previously discussed, Yamaguchi merely discusses skipping a block that is not coded and setting a first pixel on the block line to which the processing is skipped for the processing, and Hancock does not cure the deficiencies of Yamaguchi regarding claim 4 of the present application.

Independent claim 4 recites, "inputting moving image data containing image frames" and "inputting control information externally-produced and designating a processing for arbitrarily designated partial image data among said image frames", where the processing is implemented to "each of said image frames of the moving image data in entirety responsive to designation of said partial image data."

Hancock discusses decomposes an image into non-overlapping regions and computes the average and standard deviation of the frame's luminance values. However, Hancock is limited to assigning a single color to the entire region based on the average the average of all the luminance values within the region (see, col. 3, lines 9-16).

9

Hancock does not teach or suggest "designating a processing for arbitrarily designated partial image data among said image frames", instead Hancock assigns color based on average luminance values within the region.

It is respectfully submitted that Yamaguchi and Hancock, alone or in combination, do not teach or suggest the above-discussed features of claim 4.

Therefore, withdrawal of the rejection is respectfully requested.

CLAIM 2:

At item 2 of the outstanding Office Action, the Examiner asserts that claim 2 belongs to Species II, corresponding to Fig. 2. Applicants respectfully traverse the Examiner's assertion.

Elected Fig. 1 is directed to a method and apparatus for controlling image data. As depicted in Fig. 1, the claimed apparatus of claim 2 includes, "a digital moving image source input unit", "encoding unit", "area information input unit", "area information encoding unit." The apparatus of claim 2 includes integrating compressed area information with the compressed digital moving image data, where said digital moving image data is changed in entirety in accordance with said area information (see at least page 9, lines 17-21; page 10, lines 8-19; page 14, lines 5-20; and page 17, lines 7-21of the Specification as filed discussing Fig. 1).

Further, the Applicants respectfully submit that evaluation of all claims 1, 3, 4 and 24 and claim 2 would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to the Applicants in having to protect the additional subject matter recited by claim 2 by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02).

When considering that claims 1, 3, 4 and 24 and claim 2 are directed to method and apparatus for controlling image data, and when all of the other various facts are taken into consideration, it is believed that all of the pending claims should be examined in the subject application.

Therefore, withdrawal of the restriction pertaining to claim 2 is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
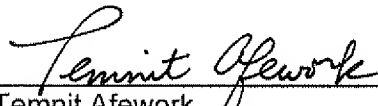
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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